

EXHIBIT 3

Bruce Moskovitz, M.D.
January 09, 2019

1

1 IN THE DISTRICT COURT OF CLEVELAND COUNTY

2 STATE OF OKLAHOMA

3 STATE OF OKLAHOMA, ex rel.,
4 MIKE HUNTER, ATTORNEY GENERAL
OF OKLAHOMA,

5 Plaintiff,

6 vs.

No. CJ-2017-816

(1) PURDUE PHARMA, L.P.,
7 (2) PURDUE PHARMA, INC.,
(3) THE PURDUE FREDERICK COMPANY;
8 (4) TEVA PHARMACEUTICALS USA, INC.;
(5) CEPHALON, INC.;
9 (6) JOHNSON & JOHNSON;
(7) JANSSEN PHARMACEUTICALS, INC.;
10 (8) ORTHO-McNEIL-JANSSEN
PHARMACEUTICALS, INC., n/k/a
11 JANSSEN PHARMACEUTICALS, INC.;
(9) JANSSEN PHARMACEUTICA, INC.;
12 n/k/a JANSSEN PHARMACEUTICALS, INC.;
(10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,
13 f/k/a ACTAVIS, INC., f/k/a WATSON
PHARMACEUTICALS, INC.;
14 (11) WATSON LABORATORIES, INC.;
(12) ACTAVIS LLC; and
15 (13) ACTAVIS PHARMA, INC.;
f/k/a WATSON PHARMA, INC.;

16 Defendants.

17
18 VIDEOTAPED DEPOSITION OF J&J 3230(C)(5) WITNESS

19 BRUCE MOSKOVITZ, M.D.

20 TAKEN ON BEHALF OF THE PLAINTIFFS

21 ON JANUARY 9, 2019, BEGINNING AT 9:18 A.M.

22 IN OKLAHOMA CITY, OKLAHOMA

23
24 VIDEOTAPED BY: Gabe Pack

25 REPORTED BY: Jane McConnell, CSR RPR CMR CRR

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APPEARANCES

On behalf of the PLAINTIFF:

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On behalf of the DEFENDANT PURDUE PHARMA:

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On behalf of the DEFENDANTS JOHNSON & JOHNSON AND
JANSSEN PHARMACEUTICALS:

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- and -

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(Appearances continued on next page.)

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APPEARANCES (Continued)

On behalf of the DEFENDANT TEVA PHARMACEUTICALS:

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1 VIDEOGRAPHER: This is the videotaped
2 deposition of Dr. Bruce Moskovitz in the matter of
3 State of Oklahoma, et al., versus Purdue Pharma, et
4 al.

5 This deposition is being held at 201
6 Robert S. Kerr in Oklahoma City, Oklahoma on January
7 9, 2019. We are on the record at 9:18 a.m.

8 Will counsel please state your appearances
9 for the record.

10 MR. PATE: Drew Pate, Nix Patterson, for
11 the State.

12 MR. LIFLAND: Charles Lifland, O'Melveny &
13 Myers, for Janssen and J&J.

14 MR. RODRIGUEZ: Esteban Rodriguez,
15 O'Melveny & Myers, for Janssen and J&J.

16 MR. BOWMAN: Andrew Bowman, Folliart, Huff,
17 Ottaway & Bottom, for Janssen and J&J.

18 MS. NEWSOME: Jervonne Newsome with Lynn,
19 Pinker, Cox, Hurst for the Purdue defendants.

20 MR. CURRAN: Jeff Curran, Gable Gotwals,
21 for the Teva defendants.

22 VIDEOGRAPHER: The court reporter will now
23 swear in the witness.

24 (Witness sworn.)

25 * * * * *

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1 WHEREUPON,

2 BRUCE MOSKOVITZ, M.D.,

3 after having been first duly sworn, deposes and

4 says in reply to the questions propounded as

5 follows, to-wit:

6 DIRECT EXAMINATION

7 BY MR. PATE:

8 Q Good morning, Dr. Moskovitz.

9 A Good morning.

10 Q Can you please introduce yourself to the
11 jury.

12 A Yes. I'm Dr. Bruce Moskovitz. Do you
13 want the full name?

14 Q That's fine.

15 A Okay.

16 Q You're a former employee of Johnson &
17 Johnson, correct?

18 A That's correct.

19 Q You are being paid to testify today on
20 J&J's behalf, correct?

21 A That's correct.

22 Q You have been paid to testify on J&J's
23 behalf a couple of times prior to this in this case,
24 haven't you?

25 A Yes.

1 disposal, don't you?

2 A I can't speak to the resources in any
3 particular area. Resources are allocated.

4 Q You're a \$300 billion company, aren't you?

5 MR. LIFLAND: Object to the form of the
6 question.

7 A I don't know.

8 Q (BY MR. PATE) Right now, absent what is
9 being required to do, J&J is not using any of those
10 smart people or any of those resources in order to
11 determine and investigate what the long-term
12 benefits and risks of opioids are, is it?

13 MR. LIFLAND: Object to the form of the
14 question.

15 A We are not conducting studies or research
16 other than what's mandated under the REMS program
17 and surveillance to look at that question, no.

18 Q (BY MR. PATE) Do you think that J&J
19 should do that?

20 MR. LIFLAND: Object to the form of the
21 question.

22 A You're asking a personal opinion on that?

23 Q (BY MR. PATE) Sure.

24 A Well, I think over the course of the
25 marketing for Duragesic and tapentadol, our

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1 surveillance data consistently showed for our
2 compounds, Duragesic and Nucynta tapentadol, rates
3 of use, misuse and diversion were consistently low
4 and lower than most other long-acting opioids that
5 were on the market. I think we were comfortable
6 knowing that the steps that we took helped to
7 minimize use, misuse and diversion of our compounds.

8 I think in any field you can argue that
9 more research is needed, and that it's up to the
10 company to make a determination of how best to
11 allocate its resources to determine where more
12 research is going to be supported.

13 Q J&J has so far right now, as far as you
14 know, determined not to allocate any more resources
15 to opioids, right?

16 A Beyond --

17 MR. LIFLAND: Object to the form of the
18 question.

19 A Beyond the studies that are required and
20 the surveillance programs for our products, correct.

21 Q (BY MR. PATE) J&J is no longer making any
22 opioids other than Duragesic; is that right?

23 A I believe we're still making Tylenol with
24 codeine.

25 Q Schedule II opioids.

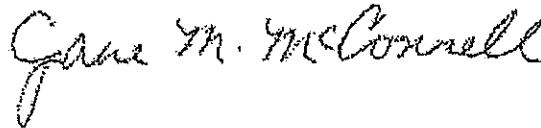
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C E R T I F I C A T E

I, Jane McConnell, Certified Shorthand Reporter, do hereby certify that the above-named BRUCE MOSKOVITZ, M.D., was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in the case aforesaid; that the above and foregoing deposition was by me taken in shorthand and thereafter transcribed; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 11th day of January, 2019.



Jane McConnell, CSR RPR RMR CRR